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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

COMMONWEALTH ANNUITY AND LIFE No. C 08-01739 CW  
INSURANCE COMPANY,

Plaintiff,

v.

CASE MANAGEMENT  
SCHEDULING ORDER FOR  
REASSIGNED CIVIL  
CASE

JOHN DALESSIO, et al.,

Defendants.

/

This action having been reassigned to the undersigned judge,

IT IS HEREBY ORDERED that a Case Management Conference will be held on **September 23, 2008, at 2:00 p.m.** in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, CA 94612. Pursuant to Civil L.R. 16-9(a), a joint Case Management Statement will be due seven (7) days prior to the conference.

If the conference is inconveniently scheduled, it may be rescheduled by stipulation and order to another date or time convenient to the Court's calendar.

At the conclusion of the conference, an order will be entered setting dates either for a further case management conference, or for close of discovery, pretrial conference, and trial. Other orders

1 regulating and controlling future proceedings may be entered.

2 Plaintiff shall serve copies of this Order at once on all parties  
3 to this action, and on any parties subsequently joined, in accordance  
4 with Fed. R. Civ. P. 4 and 5. Following service, Plaintiff shall file  
5 a certificate of service with the Clerk of this Court.

6 FAILURE TO COMPLY WITH THIS ORDER may be deemed sufficient  
7 grounds for dismissal of this cause, default or other appropriate  
8 sanctions. See Fed. R. Civ. P. 16(f).

9 See attached for standard procedures.

10 IT IS SO ORDERED.

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12 Dated: August 28, 2008



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13 CLAUDIA WILKEN  
14 UNITED STATES DISTRICT JUDGE

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21 (Rev. 10/10/07)

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NOTICE

4       **Case Management Conferences and Pretrial Conferences** are  
5       conducted on **Tuesdays** at 2:00 p.m. **Criminal Law and Motion** calendar  
6       is conducted on **Wednesdays** at 2:00 p.m. for defendants in custody and  
7       2:30 p.m. for defendants not in custody. **Civil Law and Motion**  
8       calendar is conducted on **Thursdays** at 2:00 p.m. Order of call is  
determined by the Court. Counsel need not reserve a hearing date for  
civil motions; however, counsel are advised to check the legal  
newspapers or the Court's website at [www.cand.uscourts.gov](http://www.cand.uscourts.gov) for  
unavailable dates.

9       Motions for Summary Judgment: All issues shall be contained  
10      within one motion of 25 pages or less, made on 35 days notice. (See  
11      Civil L.R. 7-2). Separate statements of undisputed facts in support  
12      of or in opposition to motions for summary judgment will not be  
13      considered by the Court. (See Civil Local Rule 56-2(a)). The motion  
14      and opposition should include a statement of facts supported by  
15      citations to the declarations filed with respect to the motion.  
16      Evidentiary and procedural objections shall be contained within the  
17      motion, opposition or reply; separate motions to strike will not be  
18      considered by the Court. Any cross-motion shall be contained within  
19      the opposition to any motion for summary judgment, shall contain 25  
20      pages or less, and shall be filed 21 days before the hearing. The  
21      reply to a motion may contain up to 15 pages, shall include the  
22      opposition to any cross-motion, and shall be filed 14 days before the  
23      hearing. (See Civil Local Rule 7-3). The Court may, *sua sponte* or  
24      pursuant to a motion under Civil L.R. 6-3, reschedule the hearing so  
25      as to give a moving party time to file a reply to any cross-motion.

16       All discovery motions are referred to a Magistrate Judge to be  
17      heard and considered at the convenience of his/her calendar. All such  
18      matters shall be noticed by the moving party for hearing on the  
19      assigned Magistrate Judge's regular law and motion calendar, or  
20      pursuant to that Judge's procedures.

21       Pursuant to General Order 45,§ VI.G, "In all cases subject to  
22      ECF, in addition to filing papers electronically, the parties are  
23      required to lodge for chambers **no later than noon on the business day**  
**following the day that the papers are filed electronically**, one paper  
24      copy of each document that is filed electronically."

25      (rev. 10/10/07)

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2 **STANDING ORDER FOR ALL JUDGES OF THE NORTHERN DISTRICT OF**  
**CALIFORNIA**

3 **CONTENTS OF JOINT CASE MANAGEMENT STATEMENT**

4 Commencing March 1, 2007, all judges of the Northern District of California require the identical  
5 information in Joint Case Management Statements filed pursuant to Civil Local Rule 16-9. The parties  
6 must include the following information in their statement which, except in unusually complex cases,  
7 should not exceed ten pages:

8 1. Jurisdiction and Service: The basis for the court's subject matter jurisdiction over  
9 plaintiff's claims and defendant's counterclaims, whether any issues exist regarding personal  
10 jurisdiction or venue, whether any parties remain to be served, and, if any parties remain to be served,  
11 a proposed deadline for service.

12 2. Facts: A brief chronology of the facts and a statement of the principal factual  
13 issues in dispute.

14 3. Legal Issues: A brief statement, without extended legal argument, of the disputed points  
15 of law, including reference to specific statutes and decisions.

16 4. Motions: All prior and pending motions, their current status, and any anticipated motions.

17 5. Amendment of Pleadings: The extent to which parties, claims, or defenses are expected to be  
18 added or dismissed and a proposed deadline for amending the pleadings.

19 6. Evidence Preservation: Steps taken to preserve evidence relevant to the issues reasonably evident  
20 in this action, including interdiction of any document-destruction program and any ongoing erasures of  
21 e-mails, voice mails, and other electronically-recorded material.

22 7. Disclosures: Whether there has been full and timely compliance with the initial disclosure  
23 requirements of Fed. R. Civ. P. 26 and a description of the disclosures made.

24 8. Discovery: Discovery taken to date, if any, the scope of anticipated discovery, any proposed  
25 limitations or modifications of the discovery rules, and a proposed discovery plan pursuant to Fed. R.  
26 Civ. P. 26(f).

27 9. Class Actions: If a class action, a proposal for how and when the class will be certified.

28 10. Related Cases: Any related cases or proceedings pending before another judge of this court, or  
before another court or administrative body.

11. Relief: All relief sought through complaint or counterclaim, including the amount of any  
damages sought and a description of the bases on which damages are calculated. In addition, any party  
from whom damages are sought must describe the bases on which it contends damages should be  
calculated if liability is established.

12. Settlement and ADR: Prospects for settlement, ADR efforts to date, and a specific ADR plan  
for the case, including compliance with ADR L.R. 3-5 and a description of key discovery or motions  
necessary to position the parties to negotiate a resolution.

13. Consent to Magistrate Judge For All Purposes: Whether all parties will consent to have a  
magistrate judge conduct all further proceedings including trial and entry of judgment.

1 14. Other References: Whether the case is suitable for reference to binding arbitration, a special  
2 master, or the Judicial Panel on Multidistrict Litigation.

3 15. Narrowing of Issues: Issues that can be narrowed by agreement or by motion, suggestions to  
4 expedite the presentation of evidence at trial (e.g., through summaries or stipulated facts), and any  
5 request to bifurcate issues, claims, or defenses.

6 16. Expedited Schedule: Whether this is the type of case that can be handled on an expedited basis  
7 with streamlined procedures.

8 17. Scheduling: Proposed dates for designation of experts, discovery cutoff, hearing of dispositive  
9 motions, pretrial conference and trial.

10 18. Trial: Whether the case will be tried to a jury or to the court and the expected length of the trial.

11 19. Disclosure of Non-party Interested Entities or Persons: Whether each party has filed the  
12 "Certification of Interested Entities or Persons" required by Civil Local Rule 3-16. **In addition**, each  
13 party must restate in the case management statement the contents of its certification by identifying any  
14 persons, firms, partnerships, corporations (including parent corporations) or other entities known by the  
15 party to have either: (i) a financial interest in the subject matter in controversy or in a party to the  
16 proceeding; or (ii) any other kind of interest that could be substantially affected by the outcome of the  
17 proceeding.

18 20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter.

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

COMMONWEALTH ANNUITY AND LIFE  
INSURANCE COMPANY et al,

Case Number: CV08-01739 CW

Plaintiff,

## **CERTIFICATE OF SERVICE**

V.

DALESSIO et al.

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 28, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Dalessio Family 2003 Trust  
16 Via Las Encinas  
Carmel Valley, CA 93924

Robert J. Taitz  
David Russell Shane  
Shane & Taitz  
1000 Drakes Landing Road  
Suite 200  
Greenbrae, CA 94904-3027

John Dalessio  
Rita Dalessio  
16 Via Las Encinas  
Carmel Valley, CA 93924

Dated: August 28, 2008

Richard W. Wieking, Clerk  
By: Sheilah Cahill, Deputy Clerk